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Prepared by the Legislative Service Commission

September 7, 2016

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H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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Prepared by the Legislative Service Commission

H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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Prepared by the Legislative Service Commission

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H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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H.B. 64 includes a provision specifying that after January 1, 2036, 'ODH will no looger provide GRF-funded vaccines or GRF funding for vaccines. Instead, the bill	specifies that local health departments or other local providers who receive our to the statement of the private of the varieties, from ODH should bill private	insurance companies to recover the costs of providing and administering	vaccines. However, the bill specifies that ODH may continue to provide GRP.	funding for vaccines to pover uninsured a	insurance plans that do not cover vaccines, and in certain exceptional cases as	-53,988,545 determined by the Director of Realth. Fro		ı	-\$1,770,078 Return to FY16 expenditures	-\$1,000,000 Still above FY14 &15 expenditures	. 10	-\$688,374 Still in range of FY15 G16 experiences				Not out of line with some	medicate desi with inde-		1≣	\$1.116.638 Back in line to FY15.	-52,000,000 Survived without this printo FY16	-\$250,000 Why do we need this?	0			-\$130,000 Still more then FY & FY15 expenditures	in the will know the factor of the Party	2 Appleir at FR 6 BY PROPERTY.			1270	8	0	-53,000,000 Made Hear att Ario Printing 13,894
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H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjust

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H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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All Fund Groups

H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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Prepared by the Legislative Service Commission

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All Fund Groups

H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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H.B. 64 . FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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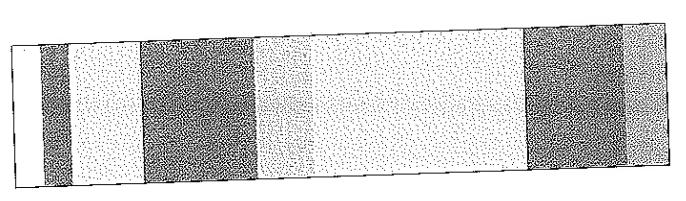
H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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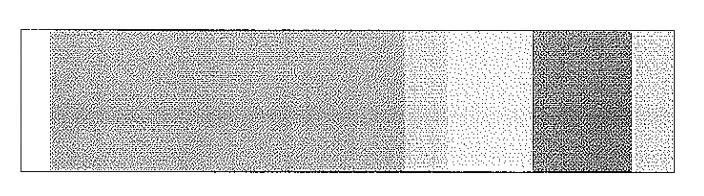
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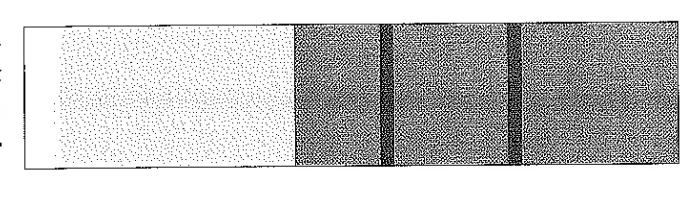
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H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations



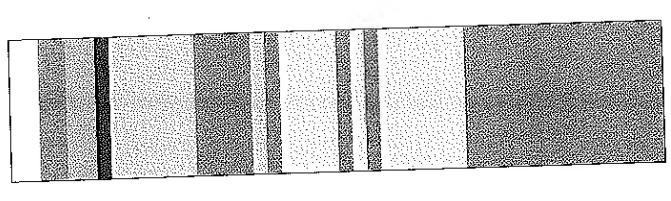
H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations



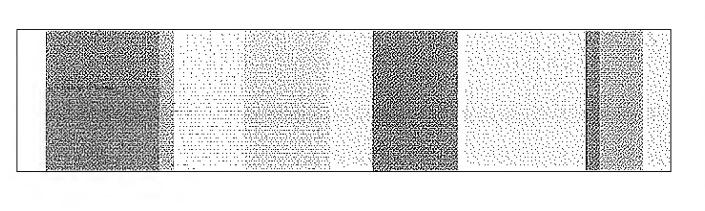


H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

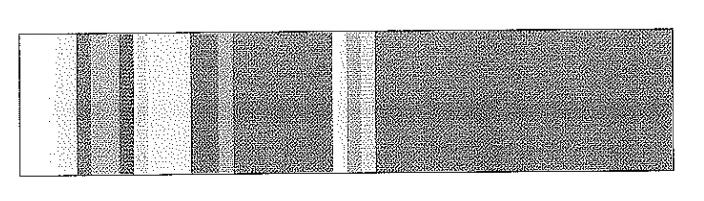
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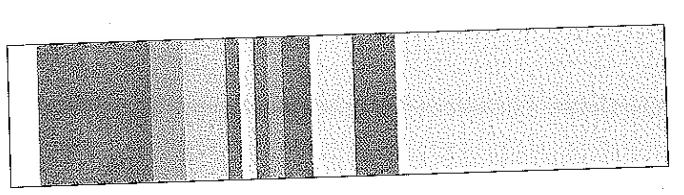
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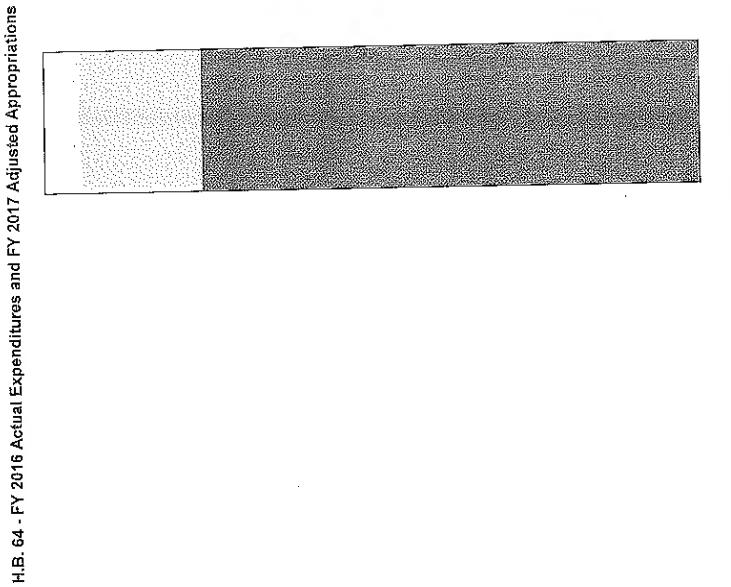


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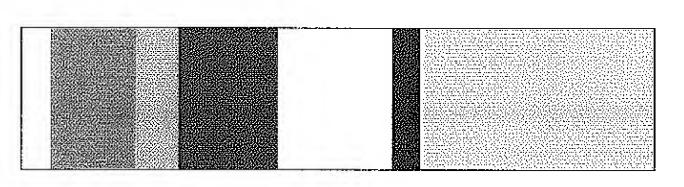


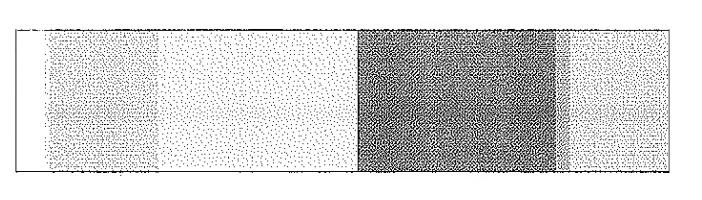
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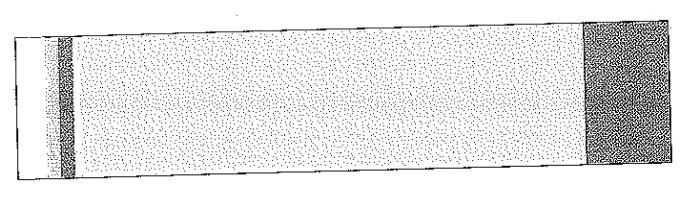


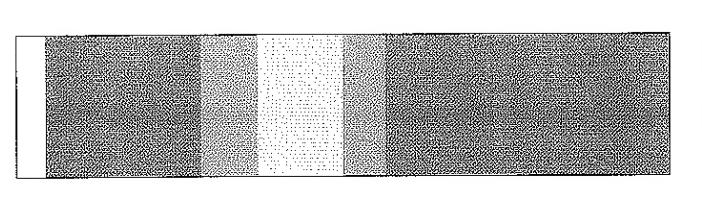
H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations



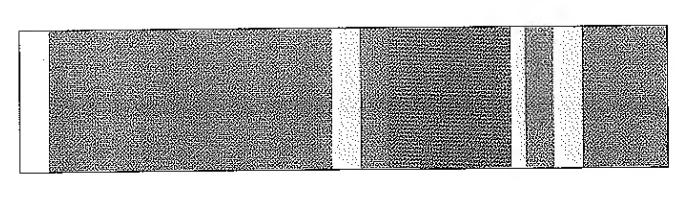


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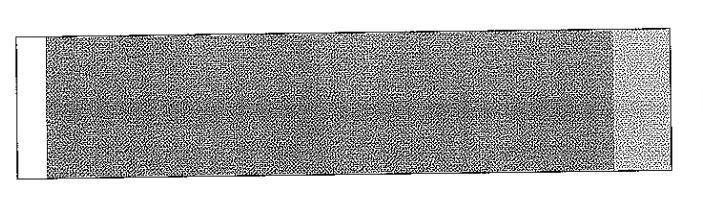


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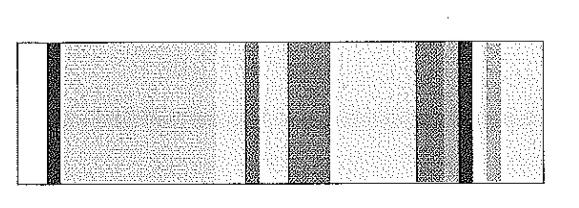


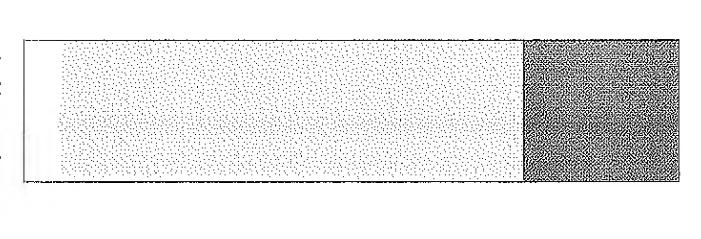
H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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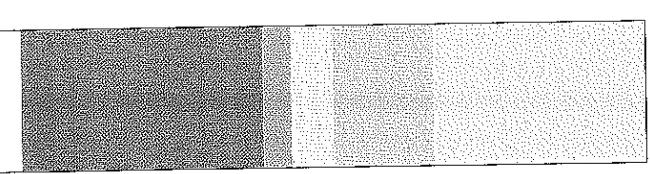
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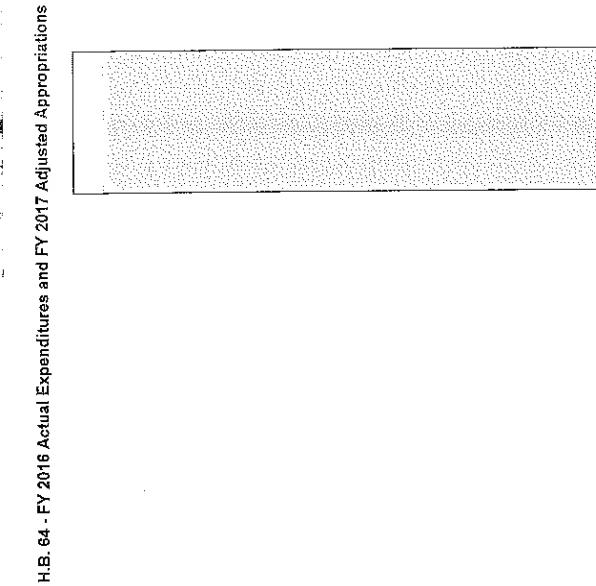




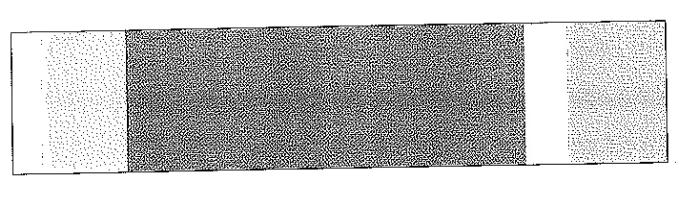
H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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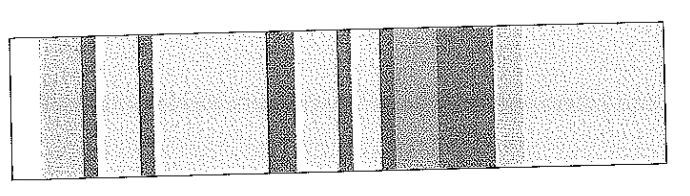
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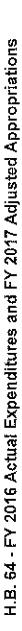


H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

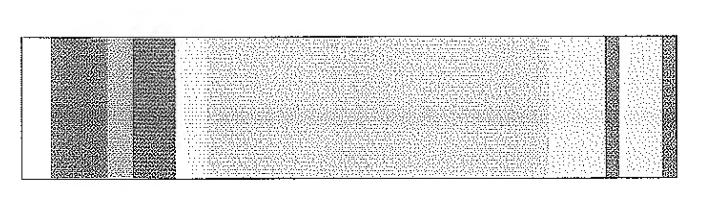
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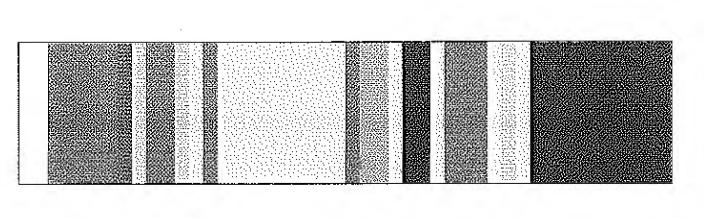




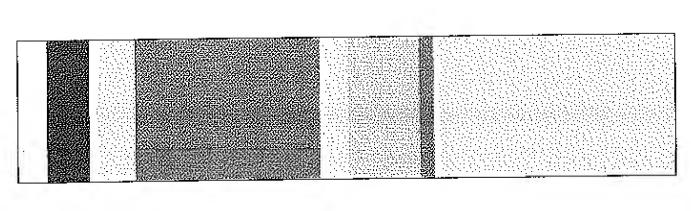




H.B. 54 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

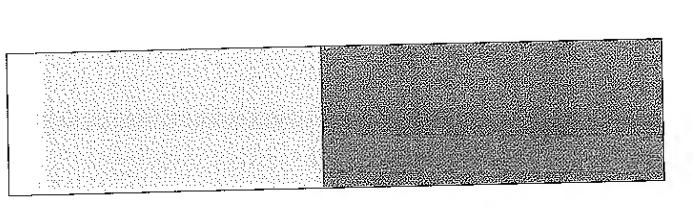


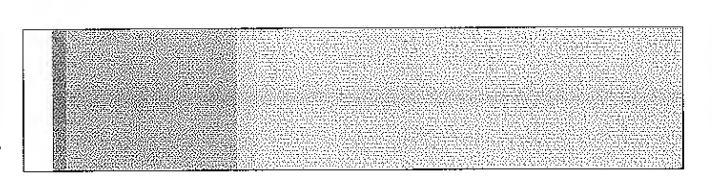
H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations



H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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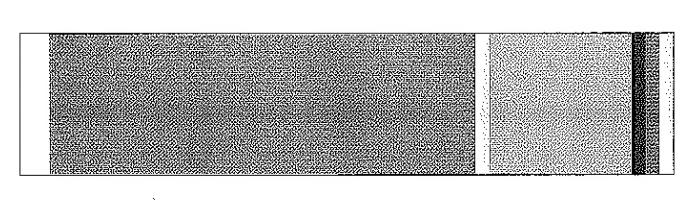




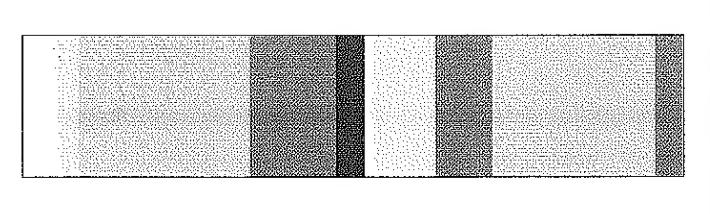
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H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

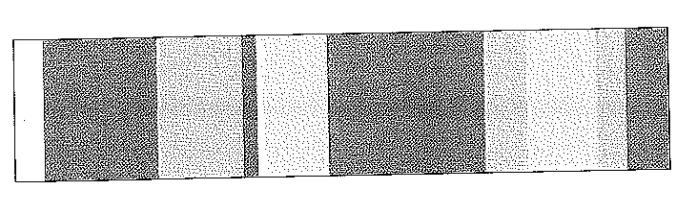


H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

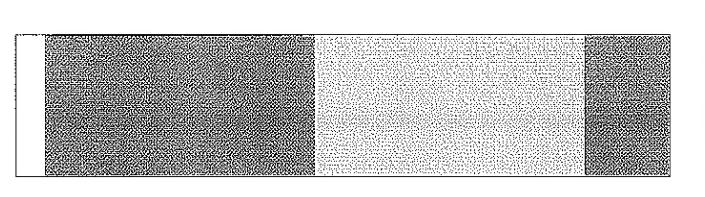


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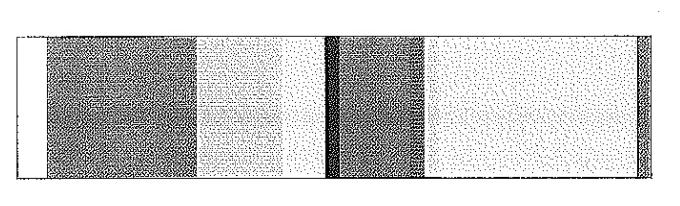


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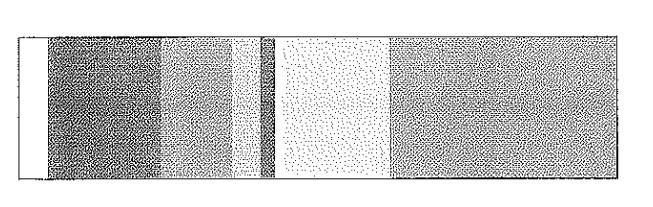


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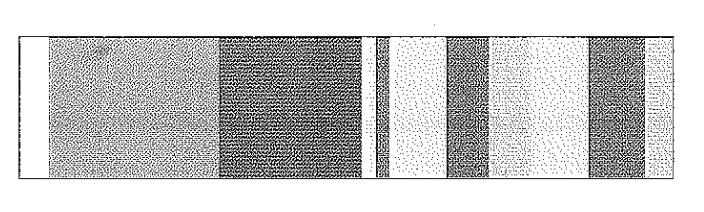


H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations



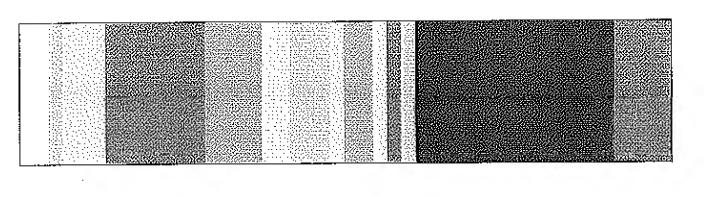
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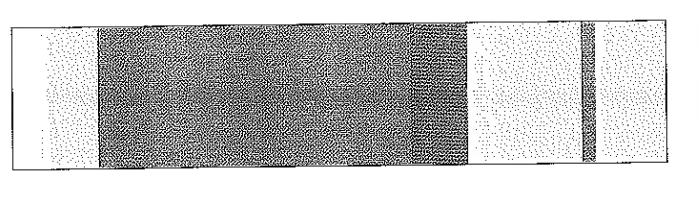


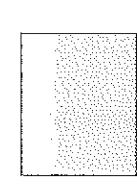
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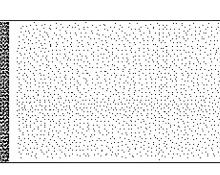
H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

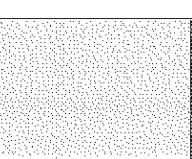


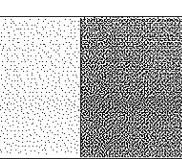
H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations





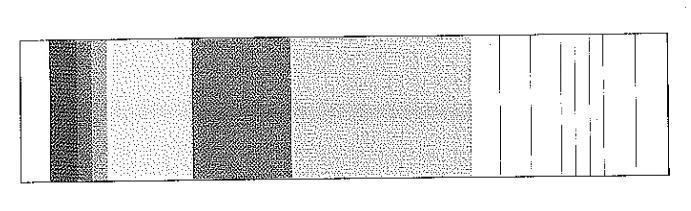




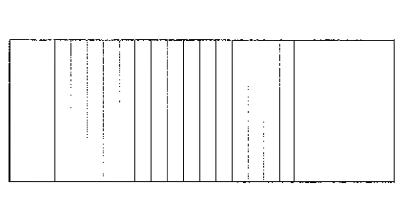


H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations

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H.B. 64 - FY 2016 Actual Expenditures and FY 2017 Adjusted Appropriations



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From: Rep30

Sent: Wednesday, April 26, 2017 2:26 PM

To: Rep48; Rep93; Rep71; Kasych, Shawn; Baker, Dan

CC: Zielinski, Justin; Snider, Grace; Stepp, Taylor; Hartman, Sarah

Subject: FW: Oppose Travel Taxes in Ohio

ALFC <u>opposes</u> the Rep. Antani proposal to tax hotel intermediaries, for the reasons expressed by Rep. Dever and others.

From: Ashley Varner [mailto:avarner@jeffersonian-project.org]

Sent: Wednesday, April 26, 2017 1:34 PM To: Rep30 < Rep30@ohiohouse.gov > Subject: Oppose Travel Taxes in Ohio

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ISSUE ALERT

April 26, 2017

To: Members of the Ohio House of Representatives

From: The Jeffersonian Project Re: Oppose Travel Taxes in Ohio

The operating budget currently under consideration in the Ohio General Assembly (Substitute HB 49) would levy the sales tax on travel services- defined as "acting as an agent to sell travel, tour, or accommodation services to the general public or commercial

clients." As a result, sales and use taxes would be calculated based on the full price paid by customers to the travel intermediary, i.e. including the fees charged by online travel agents.

Additional taxes make travel to Ohio more expensive, thereby harming Ohio's tourism industry and weakening the economy as a result. The Jeffersonian Project, the 501(c)4 affiliate of the American Legislative Exchange Council (ALEC), strongly opposes this new discriminatory service tax on the Ohio travel and tourism economy.

Intermediaries connect potential tourists with Ohio hotels, and by doing so, help generate tax revenue from these visitors through their in-state commerce. Visitors also add to the Ohio economy through purchases at local restaurants, stores, events and other instate businesses. In a modern, digital economy, intermediaries serve as a crucial facilitator to position the state to benefit from domestic and global travelers.

Imposing new taxes in Ohio, including taxes on the state's crucial travel industry, impedes economic growth and conflicts with the ALEC Principles of Sound Taxation, which states that tax policy should be competitive, neutral and fair to all business, regardless of industry. Moreover, as ALEC model policy - the Travel Agent Tax Fairness Act - notes, online travel companies are separate entities from accommodations providers. Online travel companies do not provide lodging and amenities, but instead facilitate the purchase of that lodging.

What Ohio will fose in tax revenue from travelers who choose to stay elsewhere will likely outweigh the revenue generated by the expanded tax; such is the epitome of shortsighted tax policy. As the principle from Economics 101 suggests, when you tax something more, you get less of it. Earlier this session, lawmakers in Montana and Arkansas rejected similar taxes on travel intermediaries, understanding that applying new taxes on travel services will create a disincentive to travel to states with such taxes.

Ohio's sales tax burden is already higher than 21 other states; income earners already endure the nation's 13th highest income tax rate, state and local rates combined, on top of this. Adding to the burden will harm Ohio taxpayers.

Therefore, the Jeffersonian Project strongly encourages members in the Ohio General Assembly to avoid new taxes on the state's travel and tourism economy and instead focus on broader, fundamental reforms that improve the state's competitiveness.

Thank you for your consideration.

The Jeffersonian Project is the 501(c)4 affiliate of the American Legislative Exchange Council.

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The Jeffersonian Project, 2900 Crystal Drive, Suite 600, Arlington, VA 22202

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From: Rep30

Sent: Wednesday, April 26, 2017 2:26 PM

To: Rep48; Rep93; Rep71; Kasych, Shawn; Baker, Dan

CC: Zielinski, Justin; Snider, Grace; Stepp, Taylor; Hartman, Sarah

Subject: FW: Oppose Travel Taxes in Obio

ALEC <u>opposes</u> the Rep. Antani proposal to tax hotel intermediaries, for the reasons expressed by Rep. Dever and others.

From: Ashley Varner [mailto:avarner@jeffersonian-project.org]

Sent: Wednesday, April 26, 2017 1:34 PM To: Rep30 <Rep30@uhiohouse.gov> Subject: Oppose Travel Taxes in Ohio

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ISSUE ALERT

April 26, 2017

To: Members of the Ohio House of Representatives

From: The Jeffersonian Project
Re: Oppose Travel Taxes in Ohio

The operating budget currently under consideration in the Ohio General Assembly (Substitute HB 49) would levy the sales tax on travel services- defined as "acting as an agent to sell travel, tour, or accommodation services to the general public or commercial

clients." As a result, sales and use taxes would be calculated based on the full price paid by customers to the travel intermediary, i.e. including the fees charged by online travel agents.

Additional taxes make travel to Ohio more expensive, thereby harming Ohio's tourism industry and weakening the economy as a result. The Jeffersonian Project, the 501(c)4 affiliate of the American Legislative Exchange Council (ALEC), strongly opposes this new discriminatory service tax on the Ohio travel and tourism economy.

Intermediaries connect potential tourists with Ohio hotels, and by doing so, help generate tax revenue from these visitors through their in-state commerce. Visitors also add to the Ohio economy through purchases at local restaurants, stores, events and other instate businesses. In a modern, digital economy, intermediaries serve as a crucial facilitator to position the state to benefit from domestic and global travelers.

Imposing new taxes in Ohio, including taxes on the state's crucial travel industry, impedes economic growth and conflicts with the ALEC Principles of Sound Taxation, which states that tax policy should be competitive, neutral and fair to all business, regardless of industry. Moreover, as ALEC model policy - the <u>Travel Agent Tax Fairness Act</u> - notes, online travel companies are separate entities from accommodations providers. Online travel companies do not provide lodging and amenities, but instead facilitate the purchase of that lodging.

What Ohio will lose in tax revenue from travelers who choose to stay elsewhere will likely outweigh the revenue generated by the expanded tax; such is the epitome of shortsighted tax policy. As the principle from Economics 101 suggests, when you tax something more, you get less of it. Earlier this session, lawmakers in Montana and Arkansas rejected similar taxes on travel intermediaries, understanding that applying new taxes on travel services will create a disincentive to travel to states with such taxes.

Ohio's sales tax burden is already higher than 21 other states; income earners already endure the nation's 13th highest income tax rate, state and local rates combined, on top of this. Adding to the burden will harm Ohio taxpayers.

Therefore, the Jeffersonian Project strongly encourages members in the Ohio General Assembly to avoid new taxes on the state's travel and tourism economy and instead focus on broader, fundamental reforms that improve the state's competitiveness.

Thank you for your consideration.

The Jeffersonian Project is the 501(c)4 affiliate of the American Legislative Exchange Council.

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The Jeffersonian Project, 2900 Crystal Drive, Suite 600, Arlington, VA 22202

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Members of the Ohio House of Representatives

From:

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The Jeffersonian Project, 2900 Crystal Drive, Suite 600, ArlIngton, VA 22202

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From: McKenzie Davis

Sent: Thursday, April 27, 2017 1:41 PM

To: Kasych, Shawn Subject: Fwd: Testimony

Attachments: image001.jpg; ATT00001.htm; Americans For Prosperity Opposition to OTA Tax in Sub HB49.pdf; ATT00002.htm; ASTA to Chairman Smith re HB49 Hotel Taxes April 2017.pdf; ATT00003.htm; Expedia Testimony Substitute HB49.pdf; ATT00004.htm; Independent Lodging Industry Association Testimony Opposition to Substitute HB 49.pdf; ATT00005.htm; Internet Association Testimony OH HB 49 - 4-26-2017.pdf; ATT00006.htm; NetChoice Opposition to Ohio "Hotel intermediary" language in House Bill 49 – Regarding travel agents.pdf; ATT00007.htm; Travel Tech Shur Testimony Substitute HB 49 April 2017.pdf; ATT00008.htm

Opposition letters to the hotel intermediary tax increase.

McKenzie K. Davis The Success Group 614,370.5708

Begin forwarded message:

From: "Stephen Shur" <ssh<u>ur@traveltech.org></u>
To: "Dan McCarthy" <<u>dmccarthy@t</u>hesuc<u>cessgroup.com</u>>, "McKenzie Davis" <mda<u>vis@thesuccessgroup.com</u>>
Subject: Testimony

I am still waiting for the ALEC letter and ATR is drafting a broader letter that will include the OTA tax. I will also scan all these into one PDF and send later.

Steve Shur President

The Travel Technology Association 3033 Wilson Blvd, Suite 700 Arlington, VA 22201 P: 703-842-3754

M: 703-597-6450 www.TravelTech.org



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From: Micah Derry <<u>mderry@afohq.org</u>> Date: April 26, 2017 at 10:00:09 AM EDT To: Micah Derry <<u>mderry@afohq.org</u>>

Cc: Ezra Escudero <<u>eescudero@afpliq.org</u>>, Kevin Curtis <<u>kcurtis@afpliq.org</u>> Subject: Key Budget Item - Oppose New Taxes on Online Travel Agenc

Dear Representative,

On behalf of tens of thousands of Americans for Prosperity activists in Ohio, I am writing in strong opposition to the sales tax provision relating to hotel intermediaries in Sub-House Bill 49, which would institute a new tax on Online Travel Agents (OTA). The new tax would impact OTAs which drive millions of travelers to Ohio each year. This tax, if imposed, would place Ohio at a competitive disadvantage with other states without it, and have a negative Impact on our economy.

Higher cost travel means fewer tourists, fewer business travelers and fewer visitors to local attractions, restaurants and nightlife destinations — hurting local businesses and their employees at a time they can feast afford it.

The sole justification for this amondment is predicated on a misconception. There is no loophold in the tax code. The amendment extends sales tax to a service that is already taxed in other forms. In essence, Sub 118-49 double-taxes OTAs.

implementing new taxes on services are misaligned incentive for attracting visitors to Ohio.

We hope you will John us in opposing this misguided double-taxing policy and look forward to working with you on finalizing the state budget.

Dest Regards,

Micah Derry State Director Americans for Presperity - Ohio C: 614.745.6476 | E: <u>mderry@afpho.org</u>





675 H Was Gregori St. 589, 450. Alexandria, MA 22310 703 739,2782 Askasta6)asta.org ASTA.org Traversonsulorg (BASTA.organis

April 26, 2017

The Hanniable Ryan Smith Chairman Ohio Hause Finance Committee 77 S. High Street, 13th Floor Coharbus, OH 43215

Dear Chairman Smith:

I write today on behalf of the American Society of Travel Agents (ASTA) and the more than 2,000 people who work at travel agencies in the State of Ohio to express our concern about provisions in Substitute House Bill 49 (pages 2937, 2950 and 2967) that would impose new traves on certain travel agency transactions.

As you may know, the debate over tax proposals targeted at online travel companies (OTCs) like those contained in HB49 has been raging across the country for years – and the year trajecity of courts and legislatures who have considered the issue have ruled in layor of the travel agency industry, including Delawate, Pennsylvania, West Vinginia and Virginia. Policymakers are often told that these proposals will only impact large, out-of-state like Priceline and Expedia who are shortchanging state and local governments on sales and hotel taxes and will have no impact on traditional "brick and morrar" travel agents. This is simply not the case. Here is why:

- HB49's definition of "hotel intermediary" rowers traditional travel agency business
 models. ITB49 makes no distinction between online and offline or OTC versus brick-andmottan agency, or even whether or not the agency is based in Ohio. It defines 'hotel
 intermediary' as "a person that brokers, coordinates, or otherwise arranges for the purchase,
 sale, use, or possession of hodging at hotels to or by transient guests." While it exempts
 persons receiving a commission from a hotel and fees separately stated to the consumer, it
 will capture transactions traditional travel agents in Ohio and across the country
 consummate every day.
- JB49 would impose new taxes on travel agency services. Any fees not covered by the shove-referenced exemptions travel agents charge their customers for Ohio hotel brokings above the cost of the room itself would be subject to new state and local taxation. This is problematic because as our industry has evolved, travel agents are charging service fees to their elients while relying less on commissions from travel suppliers. In 2015 a year when travel agents broked \$33 billion worth of hotel tooms 45 percent of agents charged a fee for hotel-only brokings and 42 percent charged a fee for an air, hotel and car package. These fees are charged for a service saving consumers time and morey by helping them navigate a market place that offers an overwhelming manher of options and choices. ASTA's long-held

position is that this revenue, already subject to federal and state income taxes, should not be taxed a third time through taxes traditionally applied on hotel room stays.

• HB49 would impose new administrative burdens on traditional travel agents. Agents conducting non-exempt transactions - again, both inside and not side Ohio - would have to register with state and local authorities and be subject to detailed accounting and recordlaceping measures for each and every transaction involving a Ohio hotel toom. If implemented as written, these burdens would be substantial for our industry, the vast majority of whom are very small businesses. In Ohio alone, according to U.S. Census data, 88 percent of travel agencies employ fewer than ten people, while 74 percent employ fewer than free.

Contrary to the misplaced notion of travel agents as a dying breed, travel agencies who have adapted to the internet era have not only survived but have thrived. Part and parcel of that evolution has been a shift in business model, from one based on commissions to one based on fees. Simply pultraditional travel agents do the things the big OTCs do and thus would be impacted by 11849.

Thank you for considering our views on this important issue. If you or your stall have any questions, please do not he sitate to contact me at (703) 739-6842 or epock@asta.org.

Yours Sincerely,

Blanc Profe

Senior Vine President, Government & Public Affairs

American Society of Travel Agents

Etans pm

CC: Honorable Members, Ohio House Tinance Contrilities

Honorable Members, Ohio House Leadership

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expedia inc.

April 26, 2017

Chairman Ryan Smith and Members of the Committee Ohio State House Finance Committee 77 S. High St, 13th Floor Columbus, OH 43215

RE: Opposition to Substitute House Bill 49

Dear Chairman Smith and distinguished Members of the Committee,

On behalf of Expedia, Inc., I respectfully arge you to appose a provision in Substitute House Bill 49, which would impose a new and arbitrary tax on travel services, harming the travel and tourism economy in Ohio as well as the families and small businesses who depend on it.

Expedia brands shine an international spatlight on Ohio's small business and travel economy. Our platforms connect local hotels and communities to a world of potential travelers on over 200 travel booking sites in more than 190 conotries, allowing them to transact bosiness in foreign languages and currencies, and to be displayed side-by-side with some of the biggest botal chains in the world.

Online travel agencies provide a critical service to travelers, our hotel partners, and the destinations we market. Hotels voluntarily use our services because we market their properties on a global platform helping them reach new travelers and fill rooms that would otherwise remain vacant. For example, an out-of-state visitor planning a trip to Cincinnati might assume there is a Holiday Inn Express or Doubletree in town, and there is, They could call the hotel chains' 24-hour reservation line and take care of their booking. But there is a much smaller chance that they would have been of the Hotel Arvon without the help of an online travel agency that displays multiple properties in response to a geographic scarch, or without calling a brick-and-mortar travel agent to help make recommendations on where to stay.

Last year alone, Expedia, inc. platforms helped travelers from all over the world book over 500,000 room nights in Obio hotels.

And it's not just travelers from outside Obio. Roughly 20 percent of online hotel bookings done in Obio are done so by Obio residents. We know Obioans rely on these services to make travel more accessible. A Travel Tech Association study found that 70 percent of people see online travel agent services as valuable or very valuable in saving time and money. Ultimately, online travel agents like Expedia help travelers, hotels, homeowners, and the many other tourism-related indostries, which are vital to a state's economy, like restaurants, museums, art venues, transportation companies, excursion providers, and others.

In 2015, approximately 443,132 full-time jobs were sustained by Ohio's bavel and tourism industry, which could be at risk if tourism declines from this new tax. Businesses and families that book rooms online also spend \$36 billion dollars annually on taxable items during their visits.

Whether visitors want to go to a Buckeyes game or spend a weekend hiking Hocking Hills, services like Expedia, which serve as an intermediary between hotels and consumers, are uniquely positioned to help lower the cost and burden of traveling. This, in turn, helps hotels and communities by encouraging business for hotels and bringing increased visitor spending at local vendors, supporting jobs and growth in the local economy.

Additionally, services fike the five arbitrarily singled out in this legislation, have never been subject to a sales tax of this sort. Extending a sales tax to booking lives would be inappropriate as they are a service, which is typically excluded from sales taxes. Moreover, specifically targeting travel agents — both ordine and traditional—with a sales tax would discriminate against the industry and often a slipperty slope for legislatures to add any number of new sales taxes to the service fees of other industries.

While we understand the need to close budget shortfalls, imposing a tex on travel agent services would do more been than good. Ohio simply espect afford to risk taxing an industry that is vital to comomic growth and job opportunity in the state.

Travel and tourism is a bright light for Ohio's economic health. Why would Ohio want to impose a new sales (ax on services on an industry that markets Ohio to the world? Industry data shows that a 1 percent increase in room rates results in a two percent reduction in bookings. Travelers will vote with their wallets and choose to stay elsewhere. And it's not just visitors to Ohio who use these services, it's your constituents too.

If this new tax on travel services passes the legislature and becomes law, online travel agents, brick-and-mortar travel agents, local tour operators and other travel service providers would have an incentive to steer travelers to states like Pennsylvania and West Virginia that do not level onerous taxes on travel services.

For the above reasons, we arge the House Finance Committee to oppose this legislation. Please feet free to look to Expedia as a resource as you continue your consideration of this issue.

Amber Knott

(hosy Knot)-

Senior Manager, Government & Corporate Affairs

Expedia, hec.

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To: House Finance Committee

From: Bobbie Singh-Ailen, Executive Director

Re: Opposition to the New Tax on Travel Services in Substitute HB 59

Date: April 25, 2017

On behalf of the Independent Lodging Industry Association and our Independent hotel members in Ohlo, we respectfully urge you to oppose the new tax on travel services proposed in the State Budget (House Bill 59). Please do not place any new occupancy taxes on these services, which benefit many inns, B&B's, and hotels based in Ohlo.

As you may know, independent lodging establishments benefit from the marketing services of both brick-andmortar and online travel agencies. Their services help our members fill unused rooms while leveling the playing field for properties against the major hotel chains - which often have substantially larger marketing budgets than small, independent hotels.

As written, HB 59 will have a very harmful impact on Ohio's strong tourism industry and its many stakeholders. While it may be well intentioned, the proposed travel tax in the budget is shortsighted. Ultimately, we believe it will result in fewer room bookings, resulting in less tax revenue for the state.

We also fear that the new proposed tax on travel service fees will impact travel intermediaries' - from travel agents to wooding planners to four operators - ability to promote Ohio tourism destinations at their current levels.

Please consider the harm that the new tax on travel services fees will have on Ohlo's many independent hoteliers and remove it from HB 59.

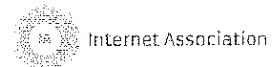
About Us

The independent Lodging Industry Association (ILIA) is a national association with over 5,000 members hallonwide, it was founded in 2010 by the California Lodging Industry Association (CLIA). CLIA was established 70 years ago by a group of Independent hotel owners and operators. Over the past several decades, independent hotels, independently owned franchised fantsis, and owners have been impacted by decisions being made out of the halfs of State Capitols to Washington, D.C. Chain hotels have dominated the policy making process. It IA will level the playing field and allow independent hotels a seat at the table. For more information, please contact me at the bable @independentlo.lg/ing.org or 916-826-2075.

Independent Ledging Industry Association — 2017 L Street I/527 Sacramento CA 05814 — (916) 925-2918



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April 26, 2017

The Honorable Ryan Smith Representative, Ohio House District 93 77 S. High Street, 13th Floor Columbus, OH 43215

RE: Notice of Support to Remove the Expansion of the Sales Tax to Online Travel Agents In Substitute HB 49

Dear Representative Smith,

The Internet Association respectfully tages the removal of the expansion of the sales tax to online travel agents (OTAs) in Substitute HR49. OTAs are an example of internet-enabled innovation that increases quality and choice, while decreasing costs, and it must be allowed to compete and grow in an open market. This value proposition, along with the seamless connection of supply and demand, is unique to the internet and is reflective of all our member companies.

The Internet Association unites the interests of leading global internet companies and their online community of users. The Internet Association is dedicated to advancing public policy solutions at the local, state and federal levels of government to strengthen and protect internet freedom, foster innovation and economic growth, and empower users.

OTAs play an important role in facilitating tourism—a role made possible by these companies' current business model. As an intermediary between hotels and consumers, OTAs are uniquely positioned to help lower the cost and burden of traveling. This, in turn, helps hotels and communities in Ohio by encouraging husiness for hotels and bringing increased visitor spending at local vendors, supporting jobs and growth in the local economy. A new tax on OTA services would place significant financial burdens on companies and could decrease affordable travel accommodations for travellers looking to visit Ohio.

for these reasons and more, the Internal Association must urge the removal of the expansion of the sales tax to OTAs in Substitute HB49. Should you have any questions about our position, please contact me at brighton@internetassociation.org.

Sincerely,

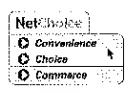
Dustin Brighton Vice President of Government Affairs

Internet Association

CC: Honorable Members, Ohio State Legislature

NetCholce Promoting Convenience, Choice, and Commerce on The Net

Carl Szabo, Senior Policy Counsel 1401 K St NW, Suite 502 Washington, DC 20005 202-420-7485 www.netcholce.org



April 25, 2017

Chairman Ryon Smith House Finance Committee Ohio State Legisfature Springfield, #. 62706

RE: Opposition to "Hotel intermediary" language in House Bi<u>ll 49 - Regarding travel agents</u>

Dear Chairman Smith and members of the committee,

We encourage you to <u>remove</u> the "Hotel Intermediary" language in HB 49 as it imposes a new tax on services provided by travel agents and online travel companies. This language imposes a new tax on the fees these travel agents charge for researching, comparing, and booking rooms for travelers.

Cities and states favor hotel taxes since they fall mostly on visitors — not on resident voters. But under this new language, this approach would backfire since the new service tax would be paid *only* by Ohio citizens — *not by travelers* from out-of-state.

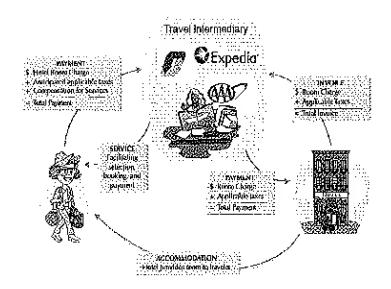
Imposes a new tax on Ohio citizens

today, Oblo does not impose sales tax or loriging tax on service fees charged by travel agents. These service fees compensate travel agents for researching and comparing available hotel options, booking the room, and handling payment to the hotel. This new language would impose a new tax on these service fees provided by travel agents and online travel companies, a tax that is passed on to your constituents.

Rearly all travel agents and travelers rely upon online services to research, compare, and book reservations

From our work on this issue in states and at NCSL, it's clear there is some misunderstanding about travel reservation services and taxes. The chart below shows the flow of services, taxes, and payments in a typical transaction where a traveler uses a travel agent or online travel company to research and book a hotel reservation.

As shown in the chart, travel agents and online travel companies are providing a service to travelers. These services include comparisons of rates and amenities at multiple hotels, plus facilitation in making the reservation, processing the payment, and sending charges and applicable taxes to the hotel operator. Clearly, this facilitation service is distinct from the room provided by the hotel where the traveler eventually stays.



Creates a new tax on travel service fees that would only apply when Ohio citizens book their travel

The new tax imposed on booking service fees by the "Hotel Intermediary" language would impost only Oblo's citizens and businesses. That's because of the rules for determining the source jurisdiction for taxable services — when a tourist uses a travel service, the reservation service fee is sourced to the traveler's home location—not to the traveler's destination.

For example, say two tourists are booking a hotel room in Ohio. One lives in Illinois, the other in Akron. The Illinois tourisk would *not* pay the tax created by this new language when they booked through a travel agent since they received their online booking services outside of Ohio. Thus, the tourist living in Akron who books through a travel agent *would* pay the tax created by the "Hotel Intermediary" language.

This new tax would therefore only apply to services provided to Ohio-based travelers. The tax would not apply to service fees paid by out-of-state travelers booking Ohio hotels.

Allows tax collectors to levy their occupancy tax on more than just hotel rooms

Ohio travel agents routhely create packages that bundle hotel rooms, food, travel, and events into one price. But this "Hotel Intermediary" language allows Columbus tax collectors to impose their excupancy taxes on all kinds of goods and services when included in travel packages:

- Laxi from the airport to the hotel
- food served at a hotel restaurant
- tickets to the Buckeye Stadium
- wine tastings

 $^{^4}$ Note that the out-of state to visit still pays the Ohlo occupancy tax when they book the round.

This new tax on service fees would only be collected by Ohio-based travel websitos

The requirement to collect this new tax on booking services could *only* be enforced against travel agents and websites that have a physical presence in Ohio.

As noted above, out-of-state travel agents and websites already culted, and renkt lodging taxes when they make payment to the Ohio hotel operator. But out-of-state travel agents would not be required to collect this new tax on service fees for providing reservation services at the time that travelers book their hotel.

To consider another example, say that a West Virginia tourist uses a West Virginia travel agent to book an Ohio hotel room. West Virginia already taxes travel agent service fees provided to state residents receiving the service at their home location. So, any West Virginia-based travel agent or websituits already collecting sales tax on the service fee when booking West Virginia travelers at Ohio hotels. In fact, this new tax would attempt to impose double toxation of the same service fee paid by this West Virginia tourist, which was probably not the intention of the bill's authors.

Please remember that the "Hotel Intermediary" language would impose new taxes only on Ohio citizens, white placing your in-state travel services at a competitive disadvantage to out-of-state rivals.

Minimal rovenue generated

For reasons explained above, every state, city, and county that has enacted a similar new tax has failed to gain the anticipated tax revenue.

First, as discussed above, the service taxes could not be imposed on any out of state traveler. Second, Ohio tax reflectors do not have authority to force out-of-state travel agents to collect these new service taxes since states can only impose collection obligations on businesses with a physical presence.

So, when you consider this tax, piecse consider whether the minimal tax revenue is worth the barm to Ohio's travel agencies and travel websites.

Avoid the conflation of travel services and lodging providers

By maintaining the true distinction between travel service providers and hotel operators, you can help Ohio's travel and tourism industry focus on serving travelues and creating Jobs – not on collecting pominal new taxes from the state's own citizens.

Instead of possing this language we suggest amending it to clorify when an occupancy tax applies. We suggest substituting the existing hill text with this language from Missouri law:

"Any tax imposed or collected by any municipality, any county, or any local taxing entity on or related to any transient accommodations, whether imposed as a hotel tax, occupancy tax, or otherwise, shall apply solely to amounts actually received by the operator of a hotel, motel, tavern, inn, tourist cabin, tourist camp, or other place in which rooms are furnished to the public.

Under no circumstances shall a travel agent or intermediary be deemed an operator of a hotel, motel, tayern, inn, tourist cable, tourist camp, or other place in which rowns are futnished to the public unless such travel agent or intermediary actually operates such a facility. ...

This section is intended to clarify that taxes imposed as a hotel tax, occupancy tax, or otherwise, shall apply safely to amounts received by operators, as enacted in the statutes authorizing such taxes. $^{\circ 2}$

We appreciate your consideration of our views, and please lot us know if we can provide further information.

Sincerely,

arl Szabo

Sepirar Policy Counsel, NetChoice

NetChoice is a trade association of online content and e-Commerce

² Missouri HB 1442 (2018), signed into law July 2010 (emphasis added).

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Testimony of Stephen Shur, President, Travel Technology Association Ohio House of Representatives Finance Committee April 25, 2017

Chairman Smith and Members of the Committee:

My name is Stephen Shur, and I am the President of the Travel Technology Association. My organization represents online travel agents (OTAs) like Orbitz, Expedia, Travelocity, Priceline and many others. Our organization is in strong opposition to provisions in Substitute HB49 that would expand the sales tax to the fees charged by online travel agents. This provision represents a new tax on services in Ohio and an expansion of the sales tax to services in your state. We urge the committee to support the removal of this provision from Substitute HB49.

Our Industry is responsible for booking millions of room nights in Ohio annually. Hotels willingly and enthusiastically partner with my members to help market unsold rooms.

- First, and most importantly, online travel agents do not buy rooms in bulk at
 wholesale rates and resell them at retail rates. OTAs market unsold inventory but
 are never responsible for unsold rooms.
- In this environment, the hotel controls the inventory and sets the price.
- The terms wholesale and retail have no meaning in the travel agency arena.
- There is only one room rate and that is what the hotel requires to allow a guest in the room on a given night.
- Taxes on hotel rooms in Ohio are based on the amount the hotel requires to allow someone to occupy a room on a given night. That is the basis for the calculation of the tax.
- There is no current ambiguity in Ohio's tax code. The tax is based on the amount charged by the hotel operator.

www.TravelTech.org

- OTAs do not operate hôtels. Online travel agents are just that, travel agents. They
 connect travelers with hotels and charge the traveler a service fee for the service
 they provide (the ability to search for, compare and book a hotel room).
- The playing field between hotels and OTAs is not "uneven". OTAs are a valued marketing channel for large hotel chains and independent hotels.
- Hilton CEO said this in an article April 7,2016: "The OTAs are a good partner for us to be able to access customers that we might not otherwise be able to access."
 - o https://skift.com/2016/04/07/hilton-ceo-heaps-praise-on-his-good-partners-the-online-travel-agencies/
- For independent hotels, the value of OTAs is even greater.
 - By partnering with OTAs, independent hotels get to compete for travelers
 with the major hotel chains when their property shows up on a comparison
 screen next to Marriott and Hilton.

In the context of the question of whether the proper taxes are being collected and remitted, there is no loophole. The tax is based on the rate that the hotel sets. The hotel provides the good or service, in this case, the hotel room, to the traveler. Online travel agents do not operate hotels or have control of inventory nor do they set the price that the consumer pays for the room. The hotels can remove their rooms from OTA sites in real time, at any time.

Further, as in the case of AAA discounts or AARP discounts, the tax paid is based on the discounted room rate that is set and agreed to by the hotel.

HB49 proposes to expand the sales tax to services by taxing the service fees that travel agents charge their ellents. This will not only not generate any significant revenue, it could have a detrimental impact on your travel and tourism economy. These new taxes on service fees provide a disincentive for travel agents, both online and in Ohio to steer travelers to Ohlo destinations. 40% of visitors to OTA sites do so without a destination in mind. OTAs can steer travelers to or from a state based on marketing, advertising and promotions. If someone is looking for an amusement park experience, they might be steered toward Wisconsin Dells instead of Cedar Point, for example.

According to Skiff

http://sklft.com/2014/09/25/how-destinations-work-with-booking-sites-to-draw-visitors/
"As one of the <u>busiost booking sites</u> in the U.S., Expedia has enhanced ability to influence where travelers decide to vacation. This includes telling customers how many people booked a particular hotel, and it extends to running marketing campaigns for destinations"

Independent hotels will suffer as a result of these new taxes. As OTAs stoor travelers to other states, Ohio's Independent hotels will see a drop in visibility and fewer bookings as a result.

Ohio rooms will become more expensive and less competitive with neighboring states. If enacted, the taxes imposed on OTA fees will be taken into consideration during the next negotiation with Ohio hotels. Like all taxes, they will ultimately be passed on to the consumer. The room rates will rise as a result.

Leisure travelers are hyper sensitive to price. Priceline found that when a room rate is raised by 1%, bookings drop 2%. Neighboring states that don't impose such taxes will stand to benefit at Ohio's expense.

In conclusion, this new tax is had for Ohio and Ohio's travel and tourism economy.

Unlike most new taxes on services, taxing OTA and Ohio travel agent fees is unique. If an Ohio service provider is taxed \$100, the state gets \$100. With this proposed new tax on travel agents, the opportunity cost of losing a traveler to another state is significant. Travelers spend money on goods and services while in the state, far beyond the hotel room. What Ohio's travel and tourism economy will lose, including the negative impact on many small businesses, will far outpace any revenue gained by taxing travel agent fees. There is a widely-recognized multiplier effect in travel economics. The goal should be to grow travel and tourism, not reduce it by taxing it.

The opportunity cost of this tax is high. It's not about raising revenue. It's not about closing a loophole that doesn't exist. It's not about leveling any playing field. It's simply an expansion of the sales tax to services and a disincentive for online travel agents to steer people to Ohio hotels. Turge you to reject this provision and remove it from Substitute H849.

Thank you.

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From: Utility Dive

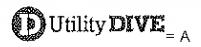
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